

career, as a soldier, as an elected official. I have never encountered anyone with the dedication, decency, and the determination of John Hardiman. He literally devoted his life to the office of public defender in the State of Rhode Island.

He graduated from law school in 1982. He started as a staff attorney there, worked his way up to the head of trial division, and then became the public defender for the entire State of Rhode Island.

His life was devoted to the law. Quietly, persistently, with diligence, dedication, and decency, he sought to do justice—justice not to the powerful or privileged but for the powerless. Indeed, in many cases, his clients were not only notorious; they were infamous. But John knew the test of our ideals, the test of our legal system, and of our constitutional form of government was that the laws would not simply protect the powerful and privileged, but that they protect all Americans.

Above the entrance of the U.S. Supreme Court are the words “Equal Justice Under Law.” For many people, even lawyers, those are just words. For John Hardiman, it was his life’s vocation, and he made real those words in the lives of every Rhode Islander.

John was a tenacious advocate, but he was always a remarkably modest and decent man. His legal skills rested on a foundation of unimpeachable integrity and decency. He dedicated his life to serving others. In that advocacy and vocation, he was following the example of his father, Dr. James Hardiman, and his mother. They left John a shining example of compassion and concern, a generous spirit, and a humble heart. All his brothers and sisters follow that same example as they, too, in their lives served others.

I had the privilege of growing up with John. He was one of the little kids in school, about 5 years younger, but he always had the reputation—entirely justified—of being a good kid. Where I come from, being a good kid was the highest form of praise. That good kid turned out to be an extraordinary man, advocate, and public servant. This is a poignant moment for me because I recall the many times I saw him throughout his life and my life, as a young student in grammar school, as an athlete similar to his brothers, as a lawyer, as a public defender, as a public servant. He was someone whom you were always glad to see, and those types of individuals are rare and precious, indeed.

John’s passing diminishes all of us, especially his family. But his life has touched the lives of every Rhode Islander. Many will never recognize what he has done. But in standing for justice and for the rule of law and for the rights of those who are in the shadows, he stood for all of us, nobly, decently, with a proud spirit but a gentle spirit also. We have all been diminished, but what he has done for us has made us stronger and better and more ready to

go on to take up his work. His example will sustain us and inspire us as we go forward, as we try to finish his noble work.

I wish to especially extend my condolences to his children, Elizabeth and Emmett, and to all his family. Rhode Island has lost an extraordinary public servant, an extraordinary gentleman. But we are better for having known him, we are better for having him serve us so well, so courageously, so decently.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUPERCOMMITTEE DELIBERATIONS

Mr. SANDERS. Madam President, there has been a lot of discussion in the Senate, in the House, and in the media about what the supercommittee is doing and what they should be doing. The American people understand their responsibility in terms of trying to reduce our national debt and our deficit is difficult. I wish them the best of luck in coming up with a solution.

My hope, simply stated, is that the supercommittee will do what the American people want them to do. The American people, through demonstrations all over this country and in poll after poll, have made it pretty clear what they want to see happen. The American people are becoming more and more aware that there is something very wrong in this country when we have the most unequal distribution of income and wealth of any major country on Earth; when the top 1 percent earns more income than the bottom 50 percent; when in a recent 25-year period, 80 percent of all new income went to the top 1 percent; and when the gap between the very rich and everybody else is wider today than it has ever been since 1928, the year before the Great Depression.

If anyone thinks distribution of income in this country is unfair, then they should look at distribution of wealth, which is much more unfair. Today the wealthiest 400 Americans own more wealth than the bottom half of America, 150 million people—400 people, 150 million Americans. That unbelievable inequality in terms of wealth, in my view, is not only morally wrong, it is very bad economics, and it is not sustainable.

When the supercommittee deliberates as to where they should go, I think one direction is very clear. The American people of all political spectrums have made their point of view known very strongly on this issue. Whether Democrat, Independent, or

Republican, poll after poll shows when the wealthiest people in this country are becoming wealthier; when, as Warren Buffett reminds us, their effective tax rate—i.e. real tax rate—is the lowest it has been in decades; yes, the wealthiest people in this country are going to have to pay more in taxes to enable us to go forward on deficit reduction.

So any serious plan brought forth by the supercommittee must ask the wealthiest people in this country to pay more in taxes. Furthermore, as I think everybody knows, we have corporation after corporation that benefits from huge tax loopholes.

A study just came out today that shows one out of four major corporations pays nothing in taxes. Recently, there are examples that major corporations made billions of dollars in profit and not only paid nothing in taxes but got rebates from the IRS. Many of these corporations stash their profits in tax havens in the Cayman Islands and elsewhere to avoid U.S. taxes.

I think the American people are very clear; if we are going to go forward with deficit reduction, large corporations are also going to have to start paying their fair share of taxes. This is across the political spectrum.

I hope the supercommittee is hearing and understands that any agreement must contain significant revenue from the wealthiest people in this country and from the largest corporations.

Furthermore, at a time when military spending has tripled since 1997, I hope as part of their agreement that the supercommittee takes a hard look at our defense budget and asks whether it is necessary that the United States of America spends more on defense than the entire rest of the world combined.

Those are some of the areas I hope the supercommittee will explore: asking the wealthy to start paying their fair share of taxes, ending tax loopholes for large corporations, and taking a hard look at military spending which has tripled since 1997.

Then there is another area the supercommittee must also look at; that is, to understand that in the midst of the worst recession since the Great Depression, a recession caused by the greed and recklessness and illegal behavior on Wall Street, the supercommittee must not cut Social Security, cut Medicare, or cut Medicaid. Social Security is the most successful Federal program in the history of our country. It has a \$2.5 trillion surplus. It can pay out all benefits for the next 25 years because it is funded by the payroll tax. It has not contributed one nickel to our deficit. The supercommittee must not cut Social Security.

Madam President, 50 million Americans have no health insurance and many others are underinsured. According to a study at Harvard University, 45,000 Americans die each year because they do not get to the doctor when they should. Under those conditions it

would be immoral, it would be wrong for the supercommittee to cut Medicare and to cut Medicaid.

I hope the supercommittee does what the American people have said very loudly and clearly—they have said it in demonstrations, they have said it in polls, they have said it in communications with their Members in the House and the Senate—we have an opportunity to make significant progress in terms of deficit reduction, but that deficit reduction should not take place on the backs of the elderly, the children, the sick, and the poor. Those populations, the most vulnerable people in this country, are hurting enough right now.

I hope the supercommittee has the courage to do what is right. I hope they have the courage to do what the American people want them to do.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask that I be allowed to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RIGGED ECONOMICS

Mr. WHITEHOUSE. Mr. President, we are going through one of the most difficult and painful periods in American history, and millions of Americans are wondering what is happening to our country. Behind the curtain of spin, propaganda, and political attacks, here is what I believe is happening.

The rules of the economic game in this country are increasingly being rigged to provide unfair advantage to the wealthy and well-connected and to take unfair advantage of regular folks and families. America has always promised a straight deal, and that straight deal, for many Americans, is getting harder and harder to find.

Let me say I am relentlessly proud to be an American. I grew up in the foreign service of this country, surrounded by families who put public service and pride in this country ahead of their comfort, their convenience, even their safety and their family's safety. I am absolutely convinced of American exceptionalism. I have seen it, and I have lived it.

That is why I am so upset to see our country in the shape it is in today. Our Founding Fathers changed the world when they set in place our finely balanced system of government, illuminated by the clear and guaranteed rights of the American people. We are squandering that inheritance. Our government is not working, our rights are

being undermined, and it is the American people who are paying the price. They are paying the price because too often they are not getting a straight deal anymore.

Let's look at some of the places where the deal is rigged, where special interest gets special deals, and where the regular American family doesn't get a straight deal. Big multistate banks are allowed to charge middle-class families 30 percent credit card interest rates that are likely illegal under the State laws where that family lives. Senators in this Chamber who are ardent States rights federalists in every other circumstance have no complaint when their State law is overruled and overborne by the big banks. Students with college loans—who now carry \$1 trillion of debt—and families with home mortgages are denied the privileges every corporate borrower gets to seek, bankruptcy protection against their debt when they are in over their heads.

Our individual tax system allows the wealthiest and highest income Americans to pay lower tax rates than middle-class wage earners pay or even hide their income in offshore tax havens and pay no tax at all. The corporate tax system allows international corporations to route their profits through foreign countries and through tax shelters to pay little or no tax in this country.

When you drill down to cases, GE, General Electric, on billions of dollars in profit, paid little or no Federal income tax. When you pull up to look system-wide, even though corporations are richer than ever, American people now contribute \$5 for every \$1 corporations contribute to sustaining our country's revenues. It used to be 1 to 1. For every \$1 corporations contributed, the American people contributed \$1. There was an even sharing of our Nation's revenue needs. But for 75 years now it has been steadily sliding, and now it is 5 to 1 against ordinary Americans and in favor of corporations.

The wealthy elite who make their fortunes in the marketplace don't protect and honor the marketplace. They try to rig the game, even when it puts the marketplace itself at risk. When that requires everybody else to come to their rescue, they show no shame and little gratitude and go right back to work gaming the system. Those who have become CEOs extract from their company's ridiculous amounts of compensation. CEO pay is up in my lifetime from 40 times the average wage of the employee to 400 times the average wage. These CEOs even extract princely compensation when they fail.

The big polluters have one party denying science entirely, denying the plain evidence of carbon pollution all around us and spinning the phony theory that the cost of controlling pollution is a burden on the economy when it is actually a huge net gain for our country. A party that used to proudly carry the banner of conservation and environmental protection is now re-

duced to serving corporate spin masters with phony fabrications, and it is the middle-class families who pay the price.

The appointees of one party on the Supreme Court, by a bare 5-to-4 majority, are willing to overturn precedent and flout the rules of judicial decision-making to decrease something novel and remarkable: that corporations are people and money is speech and, therefore, our precious constitutional rights to free speech, as American people, give corporations a right to spend as much money as they please, even anonymously, in American elections.

International corporations with no loyalty to any flag or nation but with virtually unlimited money may now drown out the voices of regular people, regular families in our American democracy. CEOs get to use the corporate megaphone amplified by the corporate treasury to drown out their employees' voices. Just one big corporation with just 5 percent of one-quarter's profits could match the entire political spending of both Presidential campaigns in the last election.

Our Constitution and Bill of Rights established the jury not once but three separate times as an important institution of freedom in our system of democracy. DeTocqueville—one of the great historians and commentators on the American system of government—called the American jury “one of the forms of the sovereignty of the people.” Big corporations go to court all the time and fight it out before a jury when they want to. Yet over and over again, a middle-class family, in contracts, cannot negotiate or control, in fine print they probably never even read, their credit card company, their cell phone company, the companies they do business with, quietly take away their right to go against them before an American jury. Over and over again those same Supreme Court Justices who decided a corporation was a person have let them down. They have to go, instead, to something called arbitration instead of a constitutional American jury.

To give an idea of how arbitration works, for a long time the biggest arbitration company in the country was a racket rigged to rule against the consumer. It had to be shut down by legal actions by our State attorneys general. Add it all up, all those different areas that I mentioned, and there have been a lot of changes since my childhood.

There are a lot of changes in how our country runs, and it is all in the same direction—special deals and special tax rates and special rules that help big corporations and people who are as wealthy as big corporations and leave out regular people who don't have masses of money, money, money; rules that allow corporations to intrude into our public discourse in this democracy and drown out people's voices through mighty corporate megaphones amplified by money, money, money; lies and nonsense cooked up in corporate spin